

Hazardous Waste Permit – Talking Points for Scott Y. 9-18-14 Community Meeting

- Slight shift in gears clean up of past contamination, to how the lab handles, treats and stores its hazardous waste right now and how it will for the next 10 years
- There are connections, for example cleanup creates hazardous waste, and there is an upcoming public participation process that needs attention
- So why are we talking about the Lab's Hazardous Waste right now? Because, soon, hopefully in the next couple of months, there is going to be a state of California regulatory process to renew LLNL's Hazardous Waste Permit.
- *Note here: Why Cal State and not federal- why this is good IMO*
- Some background: Operations at Lawrence Livermore National Lab generate significant quantities of "hazardous waste." Hazardous waste is defined by the EPA as a waste with properties that make it potentially dangerous or harmful to human health or the environment. The universe of hazardous wastes is large and diverse
- What are Hazardous wastes? Can be liquids, solids, or contained gases. They can be the by-products of experiments or machining, discarded used materials, or discarded unused commercial products, such as solvents. In regulatory terms, a hazardous waste is a waste that appears on one of the four hazardous wastes lists maintained by the State in compliance with RCRA, or that exhibits one of the four characteristics of a hazardous waste - ignitability, corrosivity, reactivity, or toxicity. However, materials can be hazardous wastes even if they are not specifically listed or don't exhibit any characteristic of a hazardous waste. For example, **contaminated soil generated from a "clean up"** can also be hazardous wastes.
- LLNL is extra special because it also generates what is known as "mixed waste" which is hazardous waste mixed with radioactive waste. *Explained why radioactive waste is not part of this*
- They handle, treat, and store (at least temporarily) much of this waste on-site in two areas, Area 625, (which is very old (circa 1962 and was previously 612) and the Decontamination and Waste Treatment Facility (DWTF) which is much newer and includes sophisticated waste treatment technologies.
- It was not until 1999 that LLNL received an operating permit from the California Department of Toxic Substances (DTSC) to process and store hazardous waste. That agency (which is part of the Cal EPA) has the authority to implement the federal Resource, Conservation and Recovery Act (RCRA) law in the state of California. The permit is supposed to last for 10 years, and expired in 2009. However, LLNL submitted an application for a new permit before their permit expired, meeting the DTSC's administrative conditions. Currently the hazardous waste facility is operating under the conditions of the expired permit. The DTSC has been working on the new application for the new permit for the last five years and is now in the final steps towards revealing the draft permit.
- TVC met with Alex Galdemez, from the DTSC who is the project manager for the LLNL permit. We have reviewed the "draft" Draft Permit and brought him some initial concerns.
- So what are our concerns: two fold – some with DTSC and of course some with LLNL's haz waste operations themselves
 - DTSC has been heavily criticized as of late for its relaxed enforcement of its own hazardous waste regulations

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- A 2013 Consumer Watchdog expose was titled, “Golden Wasteland: Regulating Toxics, or Toxic Regulations?” It slammed the state Department of Toxic Substances Control for jeopardizing public safety by “allowing serial polluters to cut deals with the department” and “levying wrist-slap penalties instead of applying maximum fines.
- “We have some of the toughest environmental laws in the nation, and some of the weakest enforcement,”
- The report led to an internal audit that called for some permitting reforms, stricter enforcement of existing DTSC regulations and a total restructuring of the permitting department at DTSC.
- TVC sued the DTSC in 1999 during the initial permitting and won additional enforcement mechanisms. These proved to be useful in ensuring the Lab adhered to the requirements of its permit and that public safety was preserved, but these only lasted for a couple of years.
 - DTSC has gone through some staff upheaval in the past year that has contributed to excessive delays in permit renewals
 - LLNL has gone 15 years without public scrutiny of its hazardous waste operations during which time they completely revamped their facilities
 - During the 15 years, the lab has been caught for violations to its hazardous waste permit obligations several times, one only wonders how many violations would have been discovered with additional enforcement
 - Pursuant to the labs Environmental review documents there is potential for additional and new sources of hazardous and mixed waste streams from NIF (especially if they begin to use PLu in NIF) and other projects that will involve new and in some cases, potentially novel treatment processes at the DWTF.
 - Additionally, the plan to cart plutonium bomb cores for environmental testing at LLNL could result in additional mixed waste streams. (BTW we have a petition to stop that plan and feel free to ask us more about it.)
- This is an important time for the public because this is the only opportunity for the public to voice their concerns over the conditions in the permit before it is finalized and becomes the effective permit for the facility for the next 10 years.
- The DTSC will release its draft permit and then a public comment period will open. They typically last 45 days, but TVC asked for a comment period of 90 days. In addition, a public hearing is also set to be scheduled, most likely 30-45 days after the public comment period starts. Thus, those who attend the public hearing will still have time to give a public comment after the hearing. We will be coordinating participation, sign on comments and technical comments.
- This is the only time the public gets input on these potentially dangerous operations and the enforcement of regulations for the 10 years. I urge everyone here to sign up for our emails and newsletter if you have not already so that we can keep you apprised on this issue and enable your participation in the comment period.